

# COURT OF CRIMINAL APPEALS STATE OF ALABAMA

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Sonja McKnight  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

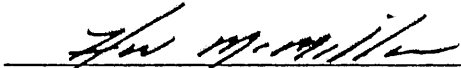
CR-04-1293

Ex parte Paul Dale Wolfe (In re: State of Alabama vs. Paul Dale Wolfe) (Barbour Circuit Court: CC05-84)

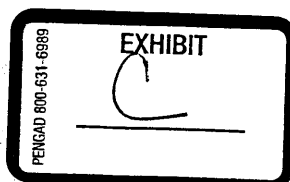
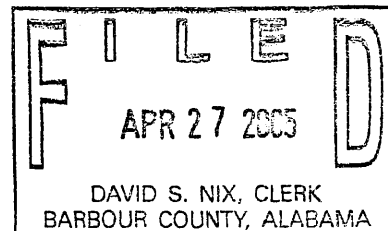
## ORDER

Upon consideration of the above referenced Petition for Writ of Habeas Corpus, the Court of Criminal Appeals orders that said petition be and the same is hereby DISMISSED.

Done this the 27th day of April, 2005.

  
H. W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Michael O. Emfinger, Circuit Judge  
Hon. David S. Nix, Circuit Clerk  
Paul Dale Wolfe, Pro Se  
Hon. Troy King, Attorney General  
Hon. Boyd Whigham, District Attorney



IN THE CIRCUIT COURT OF BARBOUR COUNTY  
CLAYTON DIVISION

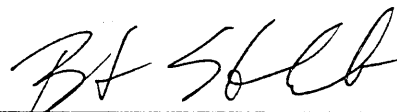
PAUL DALE WOLFE, AIS#215433,	)	
Petitioner,	)	
VS	)	CASE NO.: CC-2003-498
STATE OF ALABAMA,	)	
Respondent.	)	

**ORDER**

The Court finds that the Petition styled Writ of Habeas Corpus heretofore filed in the above styled matter is in fact a Rule 32 Petition as is evident that the Petitioner is attacking a conviction in the Circuit Court of Montgomery County, Alabama, the Fifteenth Circuit.

It is **ORDERED** that the Petition be transferred to the County where the conviction occurred: Montgomery County, Alabama, the Fifteenth Judicial Circuit.

**ORDERED** and **ADJUDGED** this 29<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
Burt Smithart, Circuit Judge  
Third Judicial Circuit

IN THE CIRCUIT COURT OF BARBOUR COUNTY  
CLAYTON DIVISION

PAUL DALE WOLFE, AIS#215433, )  
Petitioner, )  
Vs )  
STATE OF ALABAMA, )  
Respondent. )

CASE NO.: CC-2003-498

*Montgomery Co #*

MOTION TO DISMISS OR IN THE ALTERNATIVE TRANSFER

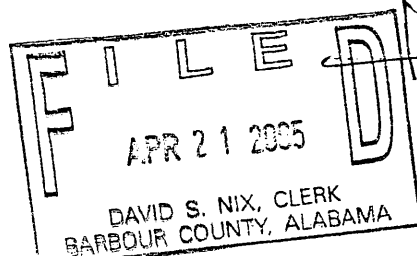
Comes now the State of Alabama in the above-styled case, by and through its Assistant District Attorney for the Third Judicial Circuit, Boyd Whigham, and say as follows:

This Petitioner is making allegations concerning his probation revocation in an armed robbery case. It is believed that this was a case with a venue of Montgomery County, Alabama, The Fifteenth Circuit. The Defendant further complains that his probation in the armed robbery case was revoked as well as the split sentence.

The matter alleged by the Defendant is in fact a Rule 32 Petition and should be transferred to the Circuit of its origin believed to be Case No.: CC-2003-498 and believed to be from Montgomery County, The Fifteenth Circuit.

The Petition should be dismissed or in the alternative transferred to Montgomery County, Alabama, The Fifteenth Circuit.

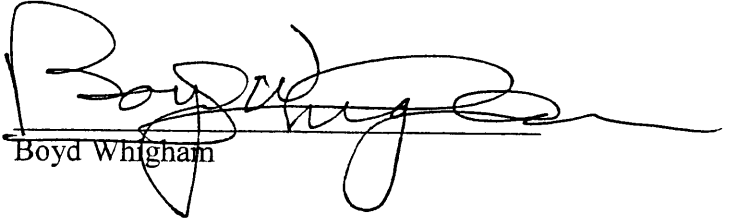
Respectfully submitted this 19 day of April ~~19~~, 2005.



*[Signature]*  
Boyd Whigham, Assistant District Attorney  
P.O. Box 61, Eufaula, AL 36072-0061

CERTIFICATE OF SERVICE

I hereby certify that I have this 19 day of April 2005, served a copy of the above and foregoing pleading upon Paul Dale Wolfe, AIS#215433, c/o Ventress Correctional Facility, P.O. Box 767, Clayton, Alabama 36016, by placing the same in the United States Mail, postage prepaid.

  
Boyd Whigham

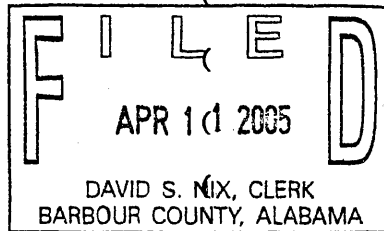
CC 2005 084

IN THE ALABAMA COURT OF CRIMINAL APPEALS

IN RE: PAUL DALE WOLFE  
PETITIONER 215433

VS

STATE OF ALABAMA  
RESPONDENT



WRIT OF MANDAMUS TO COMPEL  
LOWER COURT TO ACT ON WRIT  
OF HABEAS CORPUS  
CASE NO: 100295.00

WRIT OF MANDAMUS TO COMPEL LOWER COURT TO ACT ON WRIT OF HABEAS CORPUS

Comes now the Petitioner **PAUL DALE WOLFE PRO-SE** before this Honorable Court on a Writ Of Mandamus to Compel Lower Court To Act On Writ Of Habeas Corpus. This Writ is written pursuant to Alabama Appellate Proc. 21. The Petitioner will respectfully show this Honorable Court the following:

STATEMENT OF FACTS

On Jan. 27th, 2005 Petitioner filed a Writ Of Habeas Corpus with the Circuit Court of Barbour County, Alabama.

ISSUES

The Writ Of Habeas Corpus raises Constitutional claims that has gone unaddressed, and unadjudicated on it's Marits Ala, R. Civ. Proc. 56(d). **EX PARTE-VS-STATE HARRISON, 874 SO 2D 802, TITLE 6-6-64, GOODSON-VS-STATE, 588 SO 2D 937, SALTER-VS-STATE, 594 SO 2D 249.** The Statutes 15-21-1 and 15-21-8(d), The Court should have ruled on the Writ Of Habeas Corpus in the ten(10) days more that two(2) months has passed since the date of filing. Due to the fact that the petitioner is incarcerated and has a Statutory and Constitutional right to Execute a Writ Of Habeas Corpus 15-21-1 and **THE COURT SHOULD ACT ON THE WRIT WITHIN TEN(10) DAYS 15-21-8(d).** If the statutes are correct along with the legislative intent then the Rule Of Civil Procedure Would support Petitioner's request for **DEFAULT JUDGMENT.**

CONCLUSION

Wherefore, the Petitioner respectfully pray that this Honorable Court grant this Writ and order the Lower Court act on the Habeas Corpus or in the Alternative hold an evidentiary Hearing.

RESPECTFULLY SUBMITTED

*Paul Dale Wolfe* PRO-SE  
**PAUL DALE WOLFE 215433 6A8B**  
**VENTRESS CORR. FA.**  
**P.O. BOX 5767**  
**CLAYTON, ALABAMA**

36016

CERTIFICATE OF SERVICE

I CERTIFY THAT I SERVED A COPY OF THE FORGING WRIT OF MANDAMUS ON THE  
HON. MICHAEL O. EMFINGER, CIRCUIT JUDGE  
HON. DAVID S. NIX, CIRCUIT CLERK  
PAUL DALE WOLFE, PRO-SE  
HON. TROY KING, ATTORNEY GENERAL  
HON. BOYD WHIGHAM, DISTRICT ATTORNEY  
BY MAILING A COPY OF SAME TO HIM/HER THIS DATE.

THIS THE 8<sup>th</sup> DAY OF April 2005

RESPECTFULLY SUBMITTED

Paul Dale Wolfe PRO-SE  
PAUL DALE WOLFE 215433 6A 8B  
VENTRESS CORR. FA  
P.O. BOX 767  
CLAYTON, ALABAMA

36016

STATE OF ALABAMA

COUNTY OF BARBOUR

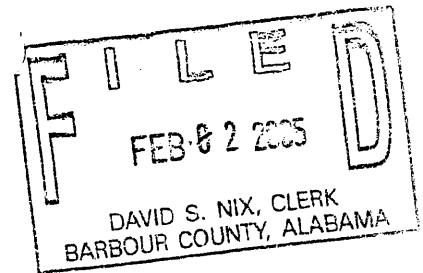
SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC THIS 8<sup>th</sup> DAY OF April 2005

Carolyn R. Abercrombie  
NOTARY PUBLIC

My Commission Expires August 18, 2007.

                      
COMM. EXP. DATE

Circuit Court  
IN THE CIRCUIT, BARBER COUNTY  
CLAYTON, ALABAMA



PAUL DALE WOLFE #215433  
petitioner pro-se

v/s

STATE OF ALABAMA  
respondant

\*  
\*  
\*  
\*  
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\*  
\*  
\*

RE: HABEAS CORPUS ACTION

CASE NO: GJ 04100295

CC 2005 084

PETITION FOR WRIT OF HABEAS CORPUS

Comes now Petitioner PAUL DALE WOLFE pro-se pursuant to the appropriate Rule and authority such as Alabama Code Title 15-21-1 et, al, herein files and respectfully submits his petition for Writ of Habeas Corpus in regards to his present incarceration in Ventress Correctional Facility and will show cause why he should be granted Habeas Corpus relief herein.

Petitioner is presently confined in Ventress Corr, Fac, here in Clayton county, Alabama as a direct result of a probation violation report and finding as further more will show that he was illegally denied the substantial aspects of the equal protion of the due process of law in his probation hearing held on July 16th of 2004 and will show the following.

STATEMENT OF THE CASE

(1) Potitioner was convicted of Armed robbery 1st cts; 2 on the 20th day of November 2004 and was placed on 20 split 3 susspended probation. Onor around June/July a burglary of a car lot in Alabama was committed. Based solely on the word of a known criminal defendant who was a suspect in said crime, who for favers, made a statement to the police, falsely claiming that petitioner PAUL WOLFE done the burglary. Based solely on that felony offenders word petitioner was arrested and charged with that crime.

Based solely on said information hearsay from a known criminal suspect, petitioner Wolfe eas charged with that burglary and his probation was revoked and petitioner was sentenced to 20 years in prisone.

ALLEGATIONS AND CLAIMS

(1) Petitioner alleges and claims that he is innocent of that charges crime and that he was falsely accused therof by the unsubstantiated word of a known criminal defendant with a history of priors and who in reality the party who committed that burglary and that his ststatement to the police that petitioner Wolfe committed that offencse was not only a big lie and a pergued statement designed to put the blaim on an innocent party (petitioner Wolfe) in order to take the bloff him. There was no other evidence to connect or tie petitioner Wolfe to that crime, only an unsubstantiated word of a criminal defendant himself with a history of criminal activities.

2-7-05  
In Forma Pauperis  
GRANTED  
- 1 - 102

Petitioner alleges and claims that the States prosecuting Attorney claimed falsely that the State had evidence of a pair of wirer cutters tied Petitioner into the crime, a pair of wirer cutters obtained from Petitioners tool box. Yet no evidence that said wirer cutters were the ones that cut the fence surrounding the place of business burglaized.

Petitioner alleges and claimes that the State used unsubstantiated and false allegations against him in order to have his probation revoked and the State illegally suppressed favorable evidence of petitioners innocence, when they obtained back scientific evidence that the wirer cutters at issue were not the ones used in said burglary.

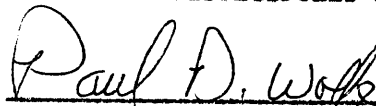
Petitioner alleges and claims that as a direct result of the States failure to reveal the results of the scientific test results of the wirer cutters at issue, Petitioner was denied a proper, honest probation revocation hearing that resulted in his freedom on probation being illegally taken away from him, for which he now seeks just relief for.

#### CONCLUSION

Wherefore premises considered Petitioner Wolfe respectfully moves this Honorable Court for Habeas Corpus relief and an order for the State to prove petitioner wrong. That petitioner seeks to return of his probation status and such Declaratory Judgment that will be appropriate

IT IS NOW SO PRAYED


RESPECTFULLY SUBMITTED



pro-se

PAUL DALE WOLFE PRO-SE  
VENTRESS CORR. FA. DORM 11-18T  
P.O. BOX 767  
CLAYTON, ALABAMA  
36016

SUBSCRIBED AND SWORN BEFORE  
ME A NOTARY PUBLIC  
ON THIS THE 11<sup>th</sup> day of Jan, 2005

  
NOTARY

MY COMMISSION EXPIRES ON

My Commission Expires August 18, 2007



THH

Pending 63  
Case Number  
DC 2004 601832.00  
ID YR NUMBER  
(To be completed  
by Court Clerk)

# IN FORMA PAUPERIS DECLARATION

Montgomery County

(Insert appropriate court)

Paul Dale Wolfe

(Petitioner)

vs.

STATE OF ALABAMA

(Respondent(s))

## DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

I, Paul Dale Wolfe 215433, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes ☐ No ☒
  - a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.  
\_\_\_\_\_
  - b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.  
OCT 2001 940.00
2. Have you received within the past twelve months any money from any of the following sources?
  - a. Business, profession, or other form of self-employment?  
Yes ☐ No ☒
  - b. Rent payments, interest, or dividends?  
Yes ☐ No ☒
  - c. Pensions, annuities, or life insurance payments?  
Yes ☐ No ☒
  - d. Gifts or inheritances?  
Yes ☐ No ☒
  - e. Any other sources?  
Yes ☐ No ☒



What does it cost you to live each month?		\$ <u>0</u>
Creditor	Total Debt	Monthly Payment
Loans	<u>0</u>	
Charge Accounts	<u>0</u>	
House or rent payments	<u>0</u>	
Alimony	<u>0</u>	
Support	<u>10,000.00</u>	<u>\$416.00</u>
Car payment	<u>0</u>	
Groceries	<u>0</u>	
Utilities	<u>0</u>	

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this  
1<sup>st</sup> day of October 2004  
Carolyn R. Abercrombie  
 Judge/Notary My Commission Expires August 18, 2007

Paul Dale Wolf 215433  
 Affiant Signature

**ORDER**

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED ☐ DENIED

**APPOINTMENT OF ATTORNEY:**

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT \_\_\_\_\_

\_\_\_\_\_ Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Judge

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own cash, or do you have money in a checking or savings account?

Yes \_\_\_\_\_ No X

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes \_\_\_\_\_ No X

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

Alex Wolfe SON 54.00 Week

Andy Wolfe SON 54.00 Week

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on Sept 30 - 2004

(Date)

Paul Dale Wolfe 215433  
Signature of Petitioner

#### CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 0 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Ventress institution:

This inmate hasn't been in system long enough for financial information.  
10/5/04  
VENTRESS CORRECTIONAL FACILITY  
P. O. BOX 767  
DATE CLAYTON, AL 36018

[Signature]  
AUTHORIZED OFFICER OF INSTITUTION

10/05/2004 11:22 13342152632

PAGE 02

STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
KILBY CORRECTIONAL FACILITY

AIS #: 215433

NAME: WOLFE, PAUL D.

AS OF: 10/05/2004

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
OCT	26	\$0.00	\$0.00
NOV	30	\$0.00	\$0.00
DEC	31	\$0.00	\$0.00
JAN	31	\$0.00	\$0.00
FEB	28	\$0.00	\$0.00
MAR	31	\$0.00	\$0.00
APR	30	\$0.00	\$0.00
MAY	31	\$0.00	\$0.00
JUN	30	\$0.00	\$0.00
JUL	31	\$0.00	\$0.00
AUG	31	\$0.00	\$0.00
SEP	30	\$0.00	\$0.00
OCT	5	\$0.00	\$0.00

State of Alabama  
Unified Judicial SystemForm C-10  
Page 1 of 2

Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL  
HARDSHIP AND ORDER

Case Number

GJNO:10/4/2004-295  
64-615211IN THE Circuit COURT OF MONTGOMERY, ALABAMA  
(Circuit, District, or Municipal) (Name of County or Municipality)STYLE OF CASE: (Burglary) STATE OF AL. v. PAUL D. WOFFE  
Plaintiff(s) Defendant(s)TYPE OF PROCEEDING: Burglary CHARGE(s) (if applicable): \_\_\_\_\_

- ☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- ☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

## AFFIDAVIT

## SECTION I.

## 1. IDENTIFICATION

Full name PAUL D. WOFFE Date of birth 6-28-68  
 Spouse's full name (if married) \_\_\_\_\_  
 Complete home address VENTRESS C.F. P.O. Box 767 CLAYTON, AL 36016

Number of people living in household 1  
 Home telephone number 0  
 Occupation/Job 0 Length of employment 0  
 Driver's license number 0 \*Social Security Number 276-72-9367  
 Employer 0 Employer's telephone number 0  
 Employer's address 0

## 2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☒ Other 0

## 3. INCOME/EXPENSE STATEMENT

## Monthly Gross Income:

Monthly Gross Income \$ 0  
 Spouse's Monthly Gross Income (unless a marital offense) 0  
 Other Earnings: Commissions, Bonuses, Interest Income, etc. 0  
 Contributions from Other People Living in Household 0  
 Unemployment/Workmen's Compensation, Social Security, Retirements, etc. 0  
 Other Income (be specific) \_\_\_\_\_

TOTAL MONTHLY GROSS INCOME

\$ 0

## Monthly Expenses:

A. Living Expenses  
 Rent/Mortgage  
 Total Utilities: Gas, Electricity, Water, etc.  
 Food  
 Clothing  
 Health Care/Medical  
 Insurance  
 Car Payment(s)/Transportation Expenses  
 Loan Payment(s)

\$ 0  
0  
0  
0  
0  
0  
0

\*OPTIONAL

Form C-10 Page 2 of 2 Rev. 2/95

## AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

Sub-Total

A \$ 0

B. Child Support Payment(s)/Alimony

\$ 0

Sub-Total

B \$ 0

C. Exceptional Expenses

\$ 0

TOTAL MONTHLY EXPENSES (add subtotals from A &amp; B monthly only)

\$ 0

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ 0

## 4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ 0

Equity in Real Estate (value of property less what you owe)

0

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

0

Other (be specific)

Do you own anything else of value? ☐ Yes ☐ No

0

(land, house, boat, TV, stereo, jewelry)

If so, describe

TOTAL LIQUID ASSETS

\$ 0

## 5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

1<sup>st</sup> day of February, 2005.

Carolyn R. Abernethy

Judge/Clerk/Notary

My Commission Expires August 13, 2007

Affiant's Signature

Print or Type Name

## ORDER OF COURT

## SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- ☐ Affiant is not indigent and request is DENIED.
- ☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ \_\_\_\_\_ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: \_\_\_\_\_
- ☐ Affiant is indigent and request is GRANTED.
- ☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that \_\_\_\_\_, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this \_\_\_\_\_ day of \_\_\_\_\_.

Judge

COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA

H. W. "BUCKY" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges



Lane W. Mann  
Clerk  
Sonja McKnight  
Assistant Clerk  
(334) 242-4590  
Fax (334) 242-4689

CR-04-1293

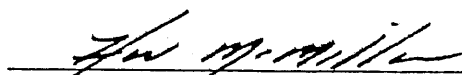
Ex parte Paul Dale Wolfe (In re: State of Alabama vs. Paul Dale Wolfe) (Barbour Circuit Court: CC05-84)

ORDER

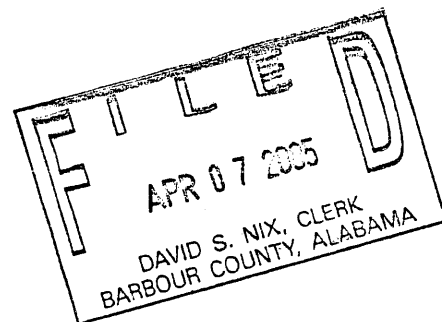
The Court of Criminal Appeals ORDERS that the petitioner in this cause be and the same is hereby given 14 days from the date of this order to file a certificate of service with this Court evidencing his/her compliance with the service requirements of Rule 21(c) of the Alabama Rules of Appellate Procedure. Rule 21(c) requires that the petitioner serve each party named as respondent with a copy of the petition. As such, the petitioner's certificate of service shall indicate the name and address of each person served with a copy of the petition, as well as the date and manner of such service.

Lastly, the petitioner is hereby placed on notice that in the event this Court has not "received" a certificate of service that conforms to the directives in this order within the 14 day period herein allowed, this petition shall be dismissed for non-compliance with Rule 21(c), Alabama Rules of Appellate Procedure.

Done this the 5th day of April, 2005.

  
H. W. "Bucky" McMillan, Presiding Judge  
Court of Criminal Appeals

cc: Hon. Michael O. Emfinger, Circuit Judge  
Hon. David S. Nix, Circuit Clerk  
Paul Dale Wolfe, Pro Se  
Hon. Troy King, Attorney General  
Hon. Boyd Whigham, District Attorney

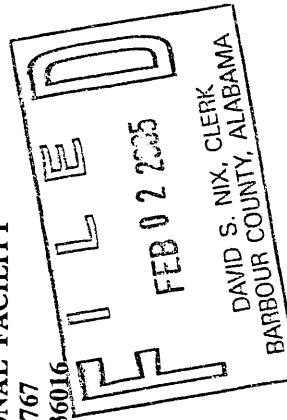


NAME Paul D. Wolfe AIS # 215433 DORM # 11-18-7

VENTRESS CORRECTIONAL FACILITY

P. O. BOX 767

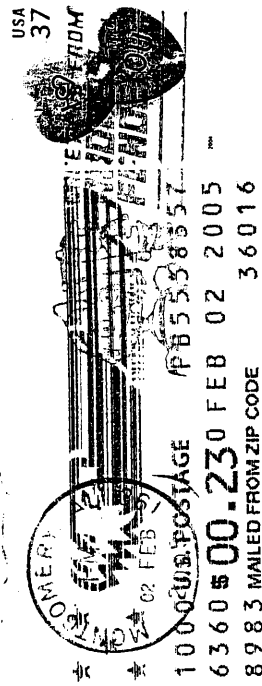
Clayton, AL 36016



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VENTRESS  
LAW LIBRARY

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Court Clerk  
David S. Nix  
P.O. Box 219

Clayton, AL 36016



